

ATTORNEY DOCKET NUMBER
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PATENT APPLICATION
09/234,048

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Keith Lowery, et al.
Serial No.: 09/234,048
Filing Date: January 19, 1999
Group Art Unit: 2182
Examiner: Rehana Perveen
Title: SYSTEM AND METHOD FOR MANAGING
DYNAMIC WEB PAGE GENERATION REQUESTS

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Honorable Assistant Commissioner
of Patents
Washington, D.C. 20231

Dear Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 1.321 (c)) AND
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)

I, Bradley A. Carl, Vice President and General Counsel, of epicRealm Operating Inc., represent that epicRealm Operating Inc. is the assignee and the exclusive owner of the entire right, title and interest of; in and to application Serial No. 09/234,048, filed on January 19, 1999, for System and Method for Managing Dynamic Web Page Generation Requests, as indicated by a copy of the Change of Name documents filed concurrently herewith (copies attached); and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

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epicRealm Operating Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 5,894,554 granted April 13, 1999, also assigned to and owned by said epicRealm Operating Inc. as indicated by the Change of Name documents filed concurrently herewith (copies attached), and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,894,554, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.


Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. Patent No. 5,894,554, in the event that one or more of the following occurs: U.S. Patent No. 5,894,554 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The fee required by 37 C.F.R. 1.20(d) is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

23 May 01

Date



Bradley A. Carl
Vice President and General Counsel
of epicRealm Operating Inc.

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "EPICREALM INC.", FILED A CERTIFICATE OF MERGER, CHANGING ITS NAME TO "EPICREALM OPERATING INC.", THE TWENTY-NINTH DAY OF DECEMBER, A.D. 2000, AT 9:02 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2000, AT 11:58 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CORPORATION IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE NOT HAVING BEEN CANCELLED OR DISSOLVED SO FAR AS THE RECORDS OF THIS OFFICE SHOW AND IS DULY AUTHORIZED TO TRANSACT BUSINESS.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.

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Edward J. Freel

EDWARD J. FREEL, SECRETARY OF STATE

DATE: 12-29-00

**CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF INCORPORATION**

InfoSpinner, Inc., a corporation organized and existing under the General Corporation Law of the State of Delaware (the "Corporation").

DOES HEREBY CERTIFY:

FIRST: That this corporation was originally incorporated on November 8, 1995, pursuant to the General Corporation Law of the State of Delaware (the "General Corporation Law").

SECOND: That the Company's Certificate of Incorporation is amended by deleting in its entirety existing ARTICLE I and inserting in lieu thereof a new ARTICLE I, reading as follows:

"ARTICLE I

The name of this corporation is EpicRealm Inc."

THIRD: The foregoing amendment was approved by the holders of the requisite number of shares of the Corporation in accordance with Section 228 of the General Corporation Law and written notice of such approval of this Certificate of Amendment of the Company's Certificate of Incorporation has been given in accordance with the provisions of Section 223 of the General Corporation Law to those holders of the Corporation's stock who have not so approved this Certificate of Amendment.

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02/04/00 FRI 15:20 [TX/RX NO 84901

IN WITNESS WHEREOF, this Certificate of Amendment of Certificate of Incorporation
has been signed by the President of this corporation this 3rd day of January, 2000.

INFOSPINNER, INC.
(to be renamed hereby
EPICREALM INC.)

By: 
John D. Ferguson
President and CEO

4-736585.1

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TOTAL P.03

02/04/00 FRI 15:20 [TX/RX NO 64801]

State of Delaware
Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "INFOSPINNER, INC.", CHANGING ITS NAME FROM "INFOSPINNER, INC." TO "EPICREALM INC.", FILED IN THIS OFFICE ON THE FOURTE DAY OF FEBRUARY, A.D. 2000, AT 1 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

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Edward J. Freel
Edward J. Freel, Secretary of State

AUTHENTICATION:

0239571

DATE:

02-04-00

02/04/00 FRI 16:20 (TX/RX NO 6490)